

AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE

Index # 07CIV7983

Purchased/Filed: September 15, 2007

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT

Nimkoff Rosenfeld & Schechter, LLP

Plaintiff

against

RKO Properties, Ltd., et ano

Defendant

STATE OF NEW YORK
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on September 18, 2007, at 2:00 pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed Summons in a Civil Action and Complaint

on

RKO Properties, Ltd.

, the

Defendant in this action, by delivering to and leaving with Carol Vogt, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service was made pursuant to Section 306 Business Corporation Law.

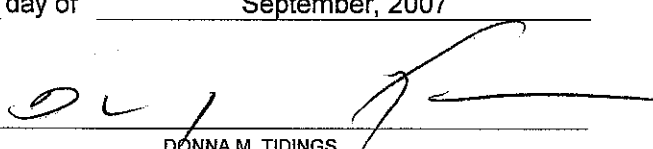
Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 43 Approx. Wt: 118 Approx. Ht: 5'

Color of skin: White Hair color: Brown Sex: F Other: _____

Sworn to before me on this

19th day of September, 2007


DONNA M. TIDINGS
NOTARY PUBLIC, State of New York
No. 01TI4898570, Qualified in Albany County
Commission Expires June 15, 2011


Jessica Miller

Invoice•Work Order # SP0707776

461 / PS9-49

State of New York - Department of State
Receipt for Service

Receipt #: 200709180258

Date of Service: 09/18/2007

Service Company: 35 SERVIC - 35

Cash #: 200709180248

Fee Paid: \$40 - DRAWDOWN

Service was directed to be made pursuant to: SECTION 306 OF THE BUSINESS
CORPORATION LAW

Party Served: RKO PROPERTIES, LTD

Plaintiff/Petitioner:

NIMKOFF ROSENFELD & SCHECHTER, LLP

Service of Process Address:

RKO PROPERTIES, LTD

C/O ROBERT HERSKOWITZ

490 WEST END AVE

NEW YORK, NY 10024

Secretary of State
By CAROL VOGT